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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ JUL 26 2005 ★

D/F  
C/M

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UNITED STATES OF AMERICA,

P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

- against -

PRELIMINARY  
ORDER OF FORFEITURE

AZAT OGANESSION,

Cr. No. 04-0526 (S-2) (NGG)

Defendant.

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WHEREAS, in the above-captioned indictment, the United States of America sought forfeiture of certain property of the defendant AZAT OGANESSION (the "Defendant"), pursuant to 21 U.S.C. § 853, as property that constitutes or is derived from proceeds the defendant obtained as a result of a violations of Title 21, United States Code, Section 846, or property traceable thereto, and/or as substitute property; and

WHEREAS, on March 31, 2005, the defendant pled guilty to the indictment in the above-captioned matter charging, inter alia, a violation of 21 U.S.C. § 846 and agreed to the entry of an order forfeiting the following assets: (i) one 1997 Mercedes Benz SL500 silver, vehicle identification number WDBFA67F4VF142830; (2) one 2000 Ford Van white vehicle identification number 1FTSE34F3YHA66484; and (3) one 2003 Mercedes Benz G500, vehicle identification number WDCYR49E7X142320.

NOW THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND  
DECREED, on consent of all parties, as follows:

1. The Defendant AZAT OGANESSION consents to forfeit all of his right, title and interest in the following assets: (1) one 1997 Mercedes Benz SL500 silver, vehicle identification number WDBFA67F4VF142830; (2) one 2000 Ford Van white vehicle identification number 1FTSE34F3YHA66484; and (3) one 2003 Mercedes Benz G500, vehicle identification number WDCYR49E7X142320 (collectively the "Forfeited Assets"), pursuant to 21 U.S.C. § 853, as property which constitutes or is derived from proceeds that the defendant obtained as a result of a violation of 21 U.S.C. § 846, and/or as property traceable to such property, and/or as substitute assets pursuant to 21 U.S.C. § 853(p).

2. The Defendant hereby agrees not to assert any claim or assist any other person to assert any claim to the Forfeited Assets in any administrative or judicial proceeding, waives his right to any required notice concerning the forfeiture, waives his right, if any, to trial by jury of the forfeiture allegation, and waives any and all defenses to the forfeiture described in this Order, including, but not limited to, defenses based on double jeopardy, *ex post facto* application of any applicable statute, and applicable statute of limitations, or the Excessive Fines Clause of the Eighth Amendment.

3. Upon entry of this Order, the United States Attorney General or designee is authorized to seize the Forfeited Assets and to conduct any proper discovery, in accordance with Fed. R. Crim. P. 32.2(b)(3), and to commence any applicable proceeding to comply with statutes governing third party rights, including giving notice of this Order.

4. The United States Department of Treasury shall publish notice of this Order, in accordance with the custom and practice in this district, in a newspaper of general circulation and of its intent to dispose of the Forfeited Assets in such a manner as the Attorney General or his designee may direct.

5. Any person, other than the Defendant, asserting a legal interest in the Forfeited Assets may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the court for a hearing without a jury to adjudicate the validity of his alleged interest in the property, and for an amendment of the order of forfeiture, pursuant to 21 U.S.C. § 853(n)(6).

6. The United States shall have clear title to the Forfeited Assets identified above following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2).

7. Pursuant to the Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the

Defendant at the time of sentencing and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, this Preliminary Order, together with Supplemental Preliminary Orders of Forfeiture, if any, shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

8. This Order shall be final and binding only upon the Court's "so ordering" of the order.

9. The Court shall retain jurisdiction of this action to ensure compliance with the terms of this Order.

10. The Clerk of the Court is directed to send, by inter-office mail, five certified copies of this executed Order of Forfeiture to Assistant United States Attorney Tracey J. Knuckles, United States Attorney's Office, Eastern District of New York, One Pierrepont Plaza, 16<sup>th</sup> Fl., Brooklyn, New York 11201.

Dated: Brooklyn, New York  
April 15, 2005

  
\_\_\_\_\_  
HONORABLE NICHOLAS G. GARAUFIS  
UNITED STATES DISTRICT JUDGE

SIR:

**PLEASE TAKE NOTICE** that the within will be

presented for settlement and signature to the Clerk  
of the United States District Court in his office at the

**UNITED STATES DISTRICT COURT U.S. Courthouse,**  
225 Cadman Plaza East, **EASTERN DISTRICT OF NEW**

**YORK**

Brooklyn, New York, on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, at 10:30 o'clock in the forenoon.

Dated: Brooklyn New York,

20\_\_\_\_

United States Attorney,

Attorney for \_\_\_\_\_

To:

Attorney for \_\_\_\_\_

SIR:

**PLEASE TAKE NOTICE** that the within is a

true copy of \_\_\_\_\_ duly entered herein  
on the \_\_\_\_\_ day of \_\_\_\_\_

in the office of the Clerk of

the Eastern District of New York,

Dated: Brooklyn, New York

20\_\_\_\_

United States Attorney,

Attorney for \_\_\_\_\_

To:

Attorney for \_\_\_\_\_

Criminal Action No. 04-526(S-2)(NGG)

**UNITED STATES DISTRICT COURT**

Eastern District of New York

**UNITED STATES OF AMERICA,**

- against -

AZAT OGANESSION,

Defendant.

**PRELIMINARY ORDER OF FORFEITURE**

ROSLYNN R. MAUSKOPF

United States Attorney,

Attorney for United States of America  
Office and Post Office Address,  
United States Courthouse  
One Pierrepont Plaza  
Brooklyn, New York 11201

Due service of a copy of the within \_\_\_\_\_  
is hereby admitted.  
\_\_\_\_\_  
Dated: \_\_\_\_\_, 20\_\_\_\_

Attorney for United States of America  
TRACEY J. KNUCKLES, AUSA  
(718) 254-6028